

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268

In the Matter of:

Delaware Station, NY 12209 : Docket No: A2011-1
Post Office State ZIP Code

Diana L. Wright _____, Petitioner(s)

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the Delaware Station post office. The Final Determination was posted September 22, 2010.

(date)

2. In accordance with applicable law, 39 U.S.C.S 404(b)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages 1-2 of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

I firmly believe the Postal Service's final Determination should be reversed and returned to the Postal Service for further consideration for several reasons:

(A) it is an abuse of the discretion of the law which makes the determination. When the Postal Service advised us on October 19, 2009, of their intent to conduct a feasibility study of the worth of our Delaware Station, they did not then, or at any time during the study, take into consideration the major construction that was impeding traffic along Delaware Avenue, and in front of the Delaware Station. The mere fact that Delaware station had the business it had during that time was primarily BECAUSE of the foot traffic of the multitudes of residents who live here who are either physically or visually impaired, or simply do not have the means or desire to have a driver's license and do not have cars. Nowhere in their notice of closure do they make note of this issue, though it was repeatedly mentioned at the many public hearings.

(B) Without observance of procedure required by law; As clearly stated in the 12 page letter Susan DuBois diligently complied, which follows. The Postal Service did not follow procedure in several matters, both by method of notifying us and by content of the notification. And further abusing procedure by failing to file the proper documents for response to this appeal in a timely fashion, or at all.

(C). unsupported by substantial evidence on the record. Again, Ms DuBois' letter states my arguments very succinctly. Therefore I will not waste your time by having you read it twice. Her main points which I ask you to consider are:

1. the unique character of this neighborhood which purposefully caters to the physically and visually impaired (Social Services and non profit organizations send these people to our neighborhood, BECAUSE it is so convenient to everything they need to live normal lives without having to drive.
2. the enormous impact that the construction had on the businesses on Delaware at the time of the feasibility study, including the Delaware Station.
3. Closure of this station will have a large and lasting, detrimental impact on this neighborhood and the people, including many elderly who have lived here since the Post Office opened here and depend on it as they have no internet access, don't drive and live on very limited budgets.
4. The negative financial impact closing this station will have on the Postal Service as a whole, as a great many, including myself, will no longer retain my PO Box for business and will, instead go down the road a pace to a private shipping and copy store to do my business mailings.

Thank you for your time and consideration of this matter.

Diana L. Wright

A handwritten signature in black ink that reads "Diana L. Wright". The signature is written in a cursive, flowing style.

-1 This Participant Statement concerns Docket No. A2011-1, the appeal of the closure of the Delaware Station post office located at 332 Delaware Avenue, Albany, New York 12209. It includes some discussion that was in the Delaware Area Neighborhood Association's (DANA's) petition and in DANA's November 10, 2010 correspondence, plus additional discussion.

In the summer of 2009, members of DANA became aware, via a newspaper report, that the United States Postal Service (Postal Service) was considering closing five post offices within the City of Albany, including Delaware Station. Shortly after this news became public, the closure of Delaware Station was vigorously opposed by persons served by it. Closure of other Albany stations also met with opposition from persons served by those. On November 4, 2009, an information session concerning the possible closure of two post offices, Delaware Station and Pine Station, took place at a location near the Pine post office. On September 22, 2010, the Postal Service notified postal customers and postal box customers of the Delaware Station that this post office would be permanently closing. The letters stated the office would be open and operational until December 31, 2010. Copies of both letters were attached with DANA's October 19, 2010 petition.

As background, the area around Delaware Station includes small retail stores and other businesses, single-family, two-family and multi-family houses, plus relatively few larger apartment buildings. The neighborhoods served by Delaware Station include residents with a range of income levels, from professionals to low-income workers, but a substantial proportion of residents south and east of Delaware Avenue have low incomes. In recent years, the neighborhood has become home to re-settled refugees from Burma, Iraq and other countries, and other recent immigrants live here as well. Numerous persons who do not have cars and/or do not have computers live in the area served by Delaware Station.

In addition to the 12209 zip code area, Delaware Station serves residents of the 12202 zip code area. As stated in the petition submitted by Dominick Calsolaro, the Albany Common Council Member representing Albany's First Ward, U.S. Census data shows that 40% of the households in the 12202 zip code area do not have access to a vehicle. An additional 44% of the households have only one vehicle available for their use. In this zip code area, the family poverty rate is 33% and 17% of seniors live below the poverty level (www.factfinder.census.gov).

Delaware Station is a post office

Delaware Station, despite being called a station by the Postal Service, is a post office as that term is ordinarily used, and it fits the description of a "post office" that the Postal Regulatory Commission has used in orders concerning appeals of post office closings (Docket No. A2006-1, Observatory Finance Station, Order dated September 29, 2006; Docket No. A83-30, Knob Fork, WV, Opinion dated January 18, 1984). Delaware Station is a retail facility where patrons may purchase postal services, and dispatch and receive mail. Delaware Station has 190 post office boxes. It is open on weekdays from 8:45 AM to 1:00 PM and from 2:00 PM to 4:30 PM, and is open on Saturdays from 9:00 AM to 12:00 noon. These are the hours for both box access and window service. The window is staffed by one postal employee.

Closure

The closure of the Delaware Station is not merely a rearrangement of retail postal facilities in the community, and is not part of an enhancement of services. The Postal Service is not proposing to open a similar station at another location near Delaware Station. We are being told to use other, existing, stations or branches in Albany or Delmar, to use the internet, or to use retail outlets "across the

nation" (see, September 22, 2010 letter). The present situation differs from the rearrangements of retail facilities that the Postal Regulatory Commission has considered to be outside its jurisdiction under Title 39 of the United States Code (39 USC) section 404(d) (Docket No. A2007-1, Ecorse Classified Branch, MI, Order dated October 9, 2007; Docket No. A82-10, Oceana Station, Virginia Beach, VA, Order No. 436, June 25, 1982). The closure that we are appealing is closure of a post office.

The Postal Service, in its November 5, 2010 notice, cited the June 22, 2010 order in PRC Docket No. A2010-3 (East Elko Station, NV) as stating that the procedural requirements of 39 U.S.C. section 404(d) do not apply where postal customers do not lose access to postal services due to the location of alternate retail facilities in "close proximity" to the discontinued station, and that 1.7 miles qualifies as close proximity. The Postal Service stated that five other postal facilities are located within 1.7 miles of Delaware Station, and attached to its notice, as Exhibit 2, a print-out of postal locations near 12209. The Postal Service argued that "discontinuance" of Delaware Station does not qualify as a closure as envisioned by 39 U.S.C. section 404(d).

The Postal Service's argument about closure should be rejected for several reasons. The present case differs from the situation described in the East Elko order in several respects. East Elko Station was just off the same street as the Elko Main Post Office, approximately 1.5 miles apart, and the two facilities offered the same services (East Elko order, at 7 - 8).

In contrast, none of the post offices that the Postal Service identifies as being within 1.7 miles of Delaware Station are on the same street. The street layout is particularly important when considering the loss of access by postal patrons who rely on buses or walking for transportation, as discussed further below.

Delaware Station is open on Saturday mornings from 9:00 AM to 12:00 PM, both for access to post office boxes and for window service. Of the five post offices with mileages of 1.7 or less, only Academy Station has Saturday morning business hours. All of the others are closed for business on Saturday.

Academy Station was on the July 30, 2009 list of stations/branches identified for discontinuance study in Docket No. N2009-1. On the most recent list (January 29, 2010) its closure status is marked as "Not Feasible At This Time," suggesting that it might be considered for closure again at a future date.

The Postal Service's September 22, 2010 letter to Delaware Station postal box customers stated that the Delaware Station post office box addresses would be moved to the Hudson Avenue post office. At Hudson Avenue, the post office box lobby is open on Saturday mornings but the window is closed. Thus, a person using a box there could check the box on Saturday morning but then would need to go to another postal facility to access window services. The Hudson Avenue post office does not provide the same services as Delaware Station, due to not having Saturday window hours.

The Postal Service, in Exhibit 1 of its November 5, 2010 Notice, claimed that window service at the Hudson Avenue post office is available on Saturdays from 7:00 AM to 12:00 noon (Exhibit 1, at 1). This statement is not accurate, and is contradicted by Exhibit 2 of the November 5, 2010 Notice (see, third page of Exhibit 2, which states that the Hudson Avenue post office is closed on Saturdays). DANA's treasurer Susan DuBois went to the Hudson Avenue post office on Saturday, November 6,

2010. At that time, the box lobby was open for access to postal boxes but the window was closed, consistent with what the sign on the door of that post office stated about its hours.

The East Elko order stated that most customers of that station are post office box holders living in the rural areas of Elko, Nevada, and that walk-in customers tend to be employees of surrounding businesses, including stores in a mall, hotels and a casino. This appears to be a more car-oriented population of customers, in contrast to a significant portion of Delaware Station's customers who do not drive. The appeals submitted by Albany City Council Member Dominick Calsolaro, the Delaware Avenue Merchants Group, Diana Wright, Eleanor Laing and Laura Welles illustrate that numerous people in this area of Albany do not drive, for a variety of reasons including age, eyesight and income.

Academy Station, for which the Postal Service's Exhibit 2 shows "1.3 miles," is at 563 New Scotland Avenue. Using a map, Ms. DuBois measured 1.47 miles as the distance one would walk taking what appears to be the most direct street route from Delaware Station to Academy Station. This would be a nearly three mile round-trip. Using the 1.5 to 2.0 miles per hour walking speed cited in the Postal Service's Exhibit 1 (at 4), three miles takes an hour and a half to two hours. For someone who currently has a short walk to the Delaware Station, walking to Academy Station would involve an additional one and a half to two hour trip. This is not "close proximity," and is a loss of access.

To go to Academy Station by bus, one would take the Delaware Avenue bus and change to the New Scotland Avenue bus at Holland and Delaware. A DANA member checked this on MapQuest and found it to be 2.28 miles one-way. The length of time the trip would take would vary with the varying bus schedules, which run more often during rush hour and on weekdays. In Albany, a one-way trip not involving a transfer would cost \$1.50 (\$0.75 for persons over 65 or with a disability) and a day card that allows for transfers is \$4 (Capital District Transportation Authority fares). For someone who currently can get to Delaware Station for free, taking the bus to Academy Station would cost \$3 or \$4 round trip, and taking the bus to the Hudson Avenue post office would cost \$1.50 (seniors/disabled) or \$3 round trip. This also represents a loss of access, particularly for low-income residents.

The above discussion pertains to the differences between the situations in East Elko and the present case. The East Elko order's discussion of two earlier cases contains concepts that also support a conclusion that the closure of Delaware Station is indeed a closure, not a rearrangement of services.

The East Elko order (at 6 - 7) describes the Ecorse Branch case (Docket No. A2007-1) as a situation in which customers could obtain the same services at a new facility located 1.7 miles away and were not losing service, and the actions involving the Ecorse Branch were part of a larger retail facility realignment plan servicing the community.

Similarly, the East Elko order (at 6) describes the Oceana Station order (Docket No. A82-10) as stating that the Postal Service's decision to close the Oceana Station would be considered within the context of the Postal Service's other actions in the area, and that those actions were part of a plan to enhance the postal network of Virginia Beach.

No new facility is being proposed by the Postal Service in connection with closing Delaware Station, and, as discussed above, customers will be losing service and losing access.

Closing Delaware Station is not part of any plan to enhance the postal network within Albany, New York. If anything, it is part of a still-developing plan to decrease the postal network within Albany. The January 29, 2010 list of candidates for discontinuance study, in Docket No. N2009-1, includes five stations within the City of Albany: Delaware, Academy, Fort Orange, Patroon and Pine.

The January 29, 2010 list shows Delaware, Patroon and Pine as still under consideration for closure, and the Postal Service recently announced its decision to close Delaware. It is my understanding that Patroon and Pine are still being considered for closure as of the present time. According to the list, closure of Academy and Fort Orange are "Not Feasible At This Time," suggesting that the Postal Service intends to reconsider at a later date whether it can close these stations as well.

Closure of Delaware Station is not a closure that will only affect a few people. The number of persons who expressed opposition to closing Delaware Station indicates the extent to which members of the public will lose access to postal services, but the Postal Service, by not filing a record, has withheld most of this information from the Postal Regulatory Commission. DANA, however, has copies of petitions in support of keeping Delaware Station open that were sent to the Postal Service. The Postal Service, at page 1 of its Exhibit 1, reports that a petition with 864 signatures supporting retention of Delaware Station was received on November 4, 2009, and DANA has copies of petitions that were probably sent after that date. In addition, a large number of post cards with a similar message were sent to the Postal Service, and an unknown number of residents wrote individual letters that contained more specific information than did the petition or post cards. According to an article in the November 5, 2009 Times Union (Albany, NY), nearly 150 persons attended the November 4, 2009 information meeting. The Postal Service's Exhibit 1 states that thirty eight customers attended the meeting. The relative proportion of Pine and Delaware customers was probably affected by the fact that the meeting took place very near the Pine post office and the Postal Service did not hold an information meeting near Delaware Station.

In considering the argument that this is not really "closure as envisioned by 39 U.S.C. section 404(d)," it is important to look at more than the distances between post offices as they appear on a map. The characteristics of the affected population and the transportation system need to be taken into account as well. These differ between a city residential area and a suburban area where most people drive to the post office. In the suburbs, 1.7 miles on a 40 mph road might be "close proximity." In a city, an additional two hour walk or an expenditure of \$3 or \$4 by a low income person makes this same distance not close proximity at all.

When and if the Postal Service decides to close additional post offices in the City of Albany, it may again argue that the persons served by those stations have other post offices in "close proximity" based on distances between them and a post office that remains open. At that time, however, residents near the former Delaware Station will no longer even be part of the discussion, and their distance to a post office will increase again. Closure of Delaware Station is occurring in the context of the larger discontinuance study (Docket No. N2009-1) and the ongoing advertising effort to get customers to use postal facilities in the suburbs of Albany. The location of the first Albany post office to be closed under the closure study (Delaware), in relation to the locations of the other post offices listed for this study, suggests that the Postal Service may be planning to incrementally close out post offices in residential areas of Albany while arguing that these are not really closures.

Postal Service's failure to file a record

The instructions for Form 61 state, "the Commission cannot conduct its own fact finding and must consider appeals based solely upon the record which consists of the Proposal, Final Determination and other documents the Postal Service collected during closure or consolidation consideration. Postal Service regulations require that a copy of the record be available at the affected post office for thirty (30) days after the Final Determination is posted."

In the present case, the Postal Service's refusal to provide a record, despite being directed by the Postal Regulatory Commission to do so on or before November 5, 2010, detracts from the ability of DANA to make arguments about the record. The refusal also undercuts the Postal Regulatory Commission's ability to carry out its role in this case and its authority in this and similar cases.

The Postal Service, in its November 5, 2010 notice, did not move that the appeal be dismissed for lack of jurisdiction. Instead, it simply asserted that the Postal Regulatory Commission lacks jurisdiction and disregarded the direction to file the record, acting as if the Postal Regulatory Commission had already made a ruling agreeing with the Postal Service's position concerning jurisdiction.

The Postal Service's November 5, 2010 Notice stated that the Postal Service does not have a final administrative record supporting discontinuance of Delaware Station that complies with the standards applicable to a post office discontinuance. The Postal Service does, however, have more documents concerning this decision than the seven page Final Determination which the Postal Service included as Exhibit 1 of its November 5, 2010 Notice. These additional documents would include petitions and letters sent to the Postal Service, the Postal Service's responses to these, notices sent by the Postal Service, and probably some internal Postal Service documents concerning operations at Delaware Station.

Exhibit 1 of the Postal Service's November 5, 2010 Notice is entitled Final Determination but it might not even be final. It contains no indication of a signature nor a date of signature. It may be a draft; page 1 of Exhibit 1 contains an incomplete sentence with a circled handwritten question mark next to it. This Participant Statement, however, will refer to Exhibit 1 as the Final Determination.

Catherine Fahey, who is a member of DANA and who also submitted her own appeal of the closure of Delaware Station, made a Freedom of Information Act request to the Postal Service for documents concerning the closure of Delaware Station. As of last week, Ms. Fahey had not yet received the documents she requested, although the Postal Service had notified Ms. Fahey that the documents responsive to her FOIA request consist of 310 pages.

With the exception of the Final Determination (Exhibit 1 of the Postal Service's November 5, 2010 Notice) and those documents that certain members of DANA either generated or kept after receiving a copy, DANA does not at present have access to the other documents the Postal Service generated or collected during its consideration of closing Delaware Station. The Final Determination is a document that was prepared by the Postal Service and contains its own characterization of the public comments, rather than the public comments themselves, which comments the Final Determination then proceeds to rationalize away.

The records in certain other appeals of post office closures include copies of questionnaires completed by members of the public who would be affected by closure of those post offices. The information requested on these multi-page questionnaires includes the postal services that the person uses, whether the person passes other post offices in ordinary travel, and where the person goes for

a variety of non-postal services. In the absence of the record it is impossible to tell whether the Postal Service ever asked customers of Delaware Station to complete such questionnaires.

In the absence of an administrative record, the Postal Regulatory Commission should draw negative inferences against the Postal Service concerning any facts that would have been revealed through the preparation of an administrative record prepared according to the statutory and regulatory requirements. These inferences should be taken into account both in evaluating the Postal Service's argument that closure of Delaware Station is not a "closure" and in evaluating whether the Postal Service followed the legal requirements in making its decision to close Delaware Station.

The Postal Service failed to follow required procedures

No notice concerning appeal: On September 22, 2010, the Postal Service notified customers of Delaware Station that the post office would close after December 31, 2010. The letter that the Postal Service sent to box holders, and the similar September 22, 2010 letter that it sent to residents, were both attached with DANA's October 19, 2010 petition. Both letters failed to notify the recipient that the determination to close Delaware Station could be appealed. This omission is contrary to the requirements in Title 39 of the Code of Federal Regulations (39 C.F.R.) sections 241.3(f)(2)(ii) and 3001.110.

No notice of required findings: Both of the September 22, 2010 letters entirely failed to include findings with respect to certain considerations required to be made under 39 USC paragraph 404(d)(2) and (3), including the effect of the closing on employees of the postal service employed at Delaware Station and the economic savings to the Postal Service resulting from the closure. The September 22, 2010 letters failed to include findings about numerous effects of the closure on the community that were specifically pointed out by persons served by the station in their written comments and in comments at the public hearing. These omissions from the September 22, 2010 letters are contrary to the requirements of 39 USC 404(d)(3).

The Final Determination that was enclosed as Exhibit 1 of the Postal Service's notice has not been provided to customers. As of November 8, 2010, Exhibit 1 was not available for public inspection at the Delaware Station post office and there is no indication that it has been available for inspection there at any time. Exhibit 1 does not contain any indication of a signature, nor a date of signature. The Postal Service is required, under 39 C.F.R. 241.3(g)(1)(i), to provide notice of the final determination by posting a copy prominently in the affected post office, with the date of posting noted on the first page of the posted copy. The Postal Service did not comply with this requirement.

The Final Determination includes some discussion of the required considerations, but as of mid-November 2010 the Final Determination has still not been provided to persons served by the station. Putting it on the PRC's web site as an exhibit attached to other correspondence is not notice as contemplated by 39 U.S.C. 404(d)(3) or as required by 39 C.F.R. 241.3(g)(1)(i).

Record not available for inspection: The Postal Service failed to make a copy of the completed record concerning the closure available for public inspection during normal business hours at the Delaware Station and failed to state, in its September 22, 2010 letters, that copies of all materials on which the determination was based would be available for public inspection at the Delaware Station. These omissions are contrary to 39 CFR 241.3(d)(4)(v), 241.3(f)(2)(i) and 241.3(g)(1)(ii). As noted above, the Postal Service has also failed to provide the record to the Postal Regulatory Commission

in this proceeding.

No record that complies with standards applicable to post office discontinuance: The Postal Service's November 5, 2010 letter states that it does not have a final record that complies with these standards. The contents and management of the record are governed by 39 C.F.R. 241.3(d)(4). Notably, that section requires that the record "must include all information that the district manager, Customer Service and Sales, considered, and the decision must stand on the record. No information or views submitted by customers may be excluded" (emphasis added). The very limited documentation that the Postal Service provided on the date it was supposed to provide the record only included its own characterization of the information and views submitted by customers, not the information and views themselves. Some views that were expressed, including about the effects on residents who have serious eyesight problems, were not even summarized in the Final Determination.

Other procedures: Section 241.3(d) of 39 C.F.R. requires that the proposal be posted at the affected post office, with an invitation for comments. If the Postal Service has documents showing that this occurred, the documents have not been provided as of this date.

Section 241.3(e)(1) of 39 C.F.R. requires that the analysis of comments should identify to the extent possible how many comments supported each point listed. If the Final Determination is considered to be the analysis of comments in this case, this requirement was not met.

Failure to consider effects of closure on the community

Apart from failing to make its determination and findings on this consideration available to persons served by Delaware Station, the Postal Service did not give meaningful consideration to numerous effects on the community that would be caused by closing Delaware Station. Although the record is not available, documents that were kept by DANA members and newspaper articles about the post office controversy show that these effects were called to the attention of the Postal Service by local residents in 2009. It is quite possible that the newspaper articles were mailed to the Postal Service by residents or clipped by the Postal Service itself and will be in the documents that will eventually be obtained through the Freedom of Information request.

Examples of effects that were not considered in a meaningful way or at all are as follows.

The Final Determination does not mention the loss of Saturday window services at the location to which the Delaware Station would be moved. Instead, as noted above, it contains inaccurate information about Saturday services at the Hudson Avenue post office.

There is no indication that the Postal Service considered how closing Delaware Station would affect blind residents or those with vision problems. As noted in the appeal submitted by Diana Wright, the owner of Completely Home Real Estate, this neighborhood is desirable to people who are visually impaired because many necessities are within walking distance. This issue was identified in comments submitted in 2009, but neither the September 22, 2010 closure letters nor the Final Determination mentioned it.

Similarly, there is no indication that the Postal Service considered how closing Delaware Station would affect residents who have limited English language skills. If this issue was intended to be included in item I.3 on page 2 of the Final Determination, it was reduced to such a generic comment

that the content has been lost. Being able to obtain assistance from a live postal clerk, who can answer questions or re-phrase things that might not be clear, is particularly important for someone who is at an early stage of learning English.

The Postal Service did not evaluate the effect on businesses in this section of Albany. Response II.2 on page 5 of the Final Determination is completely generic other than the name of the community. Response II.3 does not accurately reflect the input from business that use Delaware Station, including home-based small businesses. The Final Determination's statement, in Response II.3, that there "is no indication that the business community will be adversely affected" is contradicted by statements in the appeals submitted by Ms. Wright, Laura Welles and the Delaware Avenue Merchants Group (DAMG). This concern was being expressed during the late summer of 2009. For a business, additional travel time to get to the post office represents time lost from productive work. Further, for retail stores located near the post office, the public's trips to the post office bring potential customers close to these stores. As stated in the appeal submitted by Charles George, President of DAMG, "The loss of postal services on our street gives people one less reason to come to Delaware Avenue."

With regard to effects on the elderly and customers with disabilities, the Final Determination recommends using carrier service. The Postal Service may intend some of the other recommendations, such as buying stamps at other locations, by mail or on line, to apply to seniors as well. This ignores the functions that are available at a post office but not from home, and the relatively lower proportion of senior citizens who use computers. Response I.6 on page 2 of the Final Determination states that "minimal retail services" can be provided by carriers, essentially conceding that these services are less than those provided now by the post office.

In several places, the Final Determination mentions using carrier service instead of going to the post office, or instead of having a post office box. There are multiple reasons why a person would go to a post office for service or would have a post office box. These include wanting to securely send parcels or special mail by giving them directly to a postal employee in a post office, as opposed to leaving them for pickup, particularly on a busy street. Ms. Fahey's appeal notes that some customers rent post office boxes because of a risk of mail theft from a home mail box. An additional concern, which was reported on in an article by Miriam Axel-Lute in the September 17-23, 2009 issue of Metroland, is that having a post office box can be important during times of housing instability, to provide a consistent and reliable address. The Final Determination appears to dismiss these concerns rather than looking at them seriously.

Failure to consider impacts of construction project

DANA's petition stated that the Postal Service had abused its discretion by failing to consider at least two factors specific to Delaware Station, both of which relate to the major reconstruction project that took place in recent years along Delaware Avenue, and that this was contrary to the requirement in 39 U.S.C. 404(d)(2)(v). These factors are the extent to which Delaware Station's income and activity were depressed during the construction and the inconsistency between spending large amounts of tax money on improving a main street and then removing the post office which is one of the key features of this "main street" neighborhood.

The petition was written before Ms. DuBois was aware of the Final Determination. It remains true that the Postal Service failed to make findings about this consideration available to persons

served by the Delaware Station, contrary to 39 U.S.C. 404(d)(3). In addition, even taking into account the Final Determination's mention of the construction project (see page 3 of the Final Determination), the Postal Service has still failed to consider this factor. Response I.10, on page 3 of the Final Determination, is completely generic and does not respond concerning the effects of this particular construction project on this particular post office's business.

The reconstruction project took place in recent years along Delaware Avenue from Madison Avenue to McAlpin Street. The project was not merely a re-paving, but instead was a complete reconstruction of the street including removal of old trolley tracks, extensive storm sewer and drainage construction, and replacement of sidewalks. The project was a multi-year task. The project was paid for by approximately \$16 million from stimulus funding and other public sources, and a major focus of the project was maintaining Delaware Avenue as a walkable and bike-able street. From the spring to the fall of 2009, and again in most of the 2010 construction season, traffic on Delaware Avenue was seriously affected by construction, frequently involving more than one location along the street. Earlier construction work for this project occurred in the 2008 season.

Incomplete evaluation of economic savings

The Postal Service did not make available to affected persons its findings about economic savings resulting from closure of Delaware Station. In addition, the discussion of this consideration in the Final Determination looks only at the costs that the Postal Service would avoid by closing the post office, such as labor and rent (Final Determination, at 6). The Final Determination makes no attempt at evaluating the income that will be lost to the Postal Service when and if customers of Delaware Station increase their use of non-postal means of sending mail and shipping packages after Delaware Station is no longer open.

By making use of the U.S. mail less convenient, the Postal Service will accelerate the shift towards using electronic mail. For packages, a private company that accepts packages for shipment by United Parcel Service is located on Delaware Avenue in Elsmere. It is closer to the area served by Delaware Station than the Delmar post office is. Similarly, a FedEx office is located on State Street in Albany, slightly closer to the area served by Delaware Station than the Hudson Avenue post office is.

Closure of Delaware Station is inconsistent with 39 USC section 101(b)

Section 101(b) of 39 U.S.C. states, in part, "The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable and efficient services to patrons in all areas and shall render postal services to all communities." This section also describes the Postal Service as a "basic and fundamental service." This service needs to be kept accessible to urban residents, including those who do not have cars.

Ironically, on November 9, 2010, the Postal Regulatory Commission posted on its web site information about a contract for quantifying the social benefits of the postal system, and provided a link to the February 2, 2010 report prepared by The Urban Institute entitled "A Framework for Considering the Social Value of Postal Services." The executive summary of the report cites "dozens of benefits" including services for the elderly, immigrants, and those with low incomes; business benefits including generation of economic activity at other businesses near post offices; safety and security including in disasters and civil defense emergencies; reduction of carbon emissions and fuel usage; and delivery of other federal services. This sounds very much like what Albany residents have been saying about the value of the Delaware Station post office to the neighborhoods served by it.